

Attorney Docket 084335/0131

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kazuo NAGAI et al.

Title: GENE CONFERRING LYSOZYME INSENSITIVITY TO  
CORYNEBACTERIUM (AMENDED)

Appl. No.: 09/786,474

Filing Date: 03/05/2001

Examiner: Gabriele E. Bugaisky

Art Unit: 1653

**AMENDMENT TRANSMITTAL**

**MAIL STOP AF**

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an Amendment and Reply in the above-identified application.

☐ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

☐ Assertion of Small Entity status is enclosed.

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	61	-	70	=	0	x	\$18.00	=	\$0.00
Independent Claims:	7	-	8	=	0	x	\$86.00	=	\$0.00
First presentation of any Multiple Dependent Claims:							+	\$290.00	= \$0.00
CLAIMS FEE TOTAL									= \$0.00

☒ Applicants hereby petition for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$420.00	\$0.00
<input checked="" type="checkbox"/>	<b>Extension for response filed within the third month:</b>	<b>\$950.00</b>	<b>\$950.00</b>
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,480.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,010.00	\$0.00
EXTENSION FEE TOTAL:			\$950.00
<input checked="" type="checkbox"/>	<b>Notice of Appeal:</b>	<b>\$330.00</b>	<b>\$330.00</b>
CLAIMS, EXTENSION AND NOTICE OF APPEAL FEE TOTAL:			\$1,280.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:			\$1,280.00

☐ Please charge Deposit Account No. 19-0741 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

☒ **A check in the amount of \$1,280.00 to cover three month extension of time and Notice of Appeal fees is enclosed.**

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date April 20, 2004


FOLEY & LARDNER LLP

Customer Number: 22428

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By

 (45948)  
**SEAN A. PASSINO** For  
 Stephen B. Maebius  
 Attorney for Applicant  
 Registration No. 35,264



AF/1653

Patent  
Atty. Dkt. No. 084335/0131

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Kazuo NAGAI, et al.

**Title:** GENE CONFERRING LYSOZYME INSENSITIVITY TO  
CORYNEBACTERIUM (AMENDED)

**Appl. No.:** 09/786,474

**Filing Date:** March 5, 2001

**Examiner:** GABRIELE E. BUGAISKY

**Art Unit:** 1653

**AMENDMENT AND REPLY UNDER 37 C.F.R. § 1.116**

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper responds to the Final Office Action mailed October 21, 2003. This paper is timely, as it is filed within the extended shortened statutory period and with a Petition for Extension of Time and appropriate fee, which extends the shortened period of reply to April 21, 2004. This Amendment is accompanied by a Notice of Appeal and the appropriate fee.

Amendments to the Claims begin on page 3 of this document.

Remarks begin on page 9 of this document.

Please amend the application as follows:

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